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July 13, 2005

**BY EMAIL AND ELECTRONIC FILING**

The Honorable Sue L. Robinson  
United States District Court  
for the District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, DE 19801

Re: SRU Biosystems, Inc. v. Douglas S. Hobbs et al.; D.Del., C.A. No. 05-201

Your Honor:

This letter is submitted on behalf of defendants Douglas S. Hobbs, James J. Cowan and CoHo Holdings, LLC, in response to the email letter submitted to Your Honor by counsel for SRU Biosystems, Inc. ("SRU") on July 12, 2005. Although the defendants do not object to SRU's request for a Rule 16 conference, they do request that discovery be stayed until the Court has decided the defendants' pending motion to transfer venue (D.I. 11-12).

The defendants believe that the slight delay they propose will be without prejudice to SRU because discovery is already underway in the Massachusetts Action. In that action, defendant Hobbs has already responded – both individually and as President of CoHo Holdings – to interrogatories and has produced over 1,200 pages of documents in response to document requests.

Additionally, in 2004 SRU deposed Messrs. Hobbs and Cowan in Massachusetts and subpoenaed documents from both of them, as third party witnesses, on many of the same issues raised in this litigation, including the Memorandum of Understanding and their patents. This discovery occurred in an unrelated patent infringement case captioned *Corning Inc. et al. v. SRU Biosystems, LLC et al.*, C.A. No. 03-633-JJF, filed by Corning against SRU in the District of Delaware.



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Finally, it is the position of the defendants that SRU has unnecessarily filed duplicative litigations in an attempt to either shop around for the forum that it views as most advantageous, or to unfairly compound the litigation expenses for the defendants in an attempt to extract a settlement. In either case, SRU's strategy unfairly burdens the limited resources of both the judicial system and the defendants.

The defendants, therefore, request that any scheduling order that issues in this case provide that discovery be stayed until the Court reaches the merits of defendants' motion to transfer venue to the District of Massachusetts.

Respectfully,

Dale R. Dubé (I. D. #2863)

DRD:pb

cc: Clerk of Court (by electronic filing)  
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